

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-439-RJC
(3:09-cr-153-RJC-5)

THIS MATTER is before the Court on consideration of Respondent's motion to hold this case in abeyance pending the Fourth Circuit's disposition of its petition for rehearing en banc of the Court's decision in Whiteside v. United States, 741 F.3d 541 (4th Cir. 2014). The Court notes that after Respondent filed the motion to hold this case in abeyance, the Fourth Circuit granted the motion for rehearing en banc. Whiteside v. United States, 2014 U.S. App. LEXIS 13277 (4th Cir. July 10, 2014). Oral argument is scheduled for September 18, 2014. Whiteside v. United States, No. 13-7152 (4th Cir. July 14, 2014). Based on the foregoing, the Court will dismiss Respondent's motion to hold this case in abeyance as moot, but will sua sponte order that this case be stayed pending the Fourth Circuit's en banc disposition of Whiteside v. United States.

IT IS, THEREFORE, ORDERED that Respondent's motion to hold this case in abeyance pending the Fourth Circuit's disposition of the petition for rehearing en banc is **DISMISSED** as moot. (Doc. No. 15).

IT IS FURTHER ORDERED that this case is **STAYED** pending the Fourth Circuit's

en banc disposition of Whiteside v. United States.

IT IS SO ORDERED.

Signed: September 11, 2014



Robert J. Conrad, Jr.
United States District Judge

